

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

JUN 22 2015

JEREMY PINSON,  
PLAINTIFF,

v.

JOHN FOX, WARDEN,  
LIEUTENANT JANSEN,  
LIEUTENANT GARCIA,  
OFFICER WEST,  
OFFICER WILLIAMS,  
FEDERAL BUREAU OF PRISONS,  
DEFENDANTS,

DAVID J. MALAND, CLERK  
BY  
DEPUTY

CASE NO. 6:15-cv-00590

civil rights COMPLAINT

I. JURISDICTION:

Jurisdiction is asserted pursuant to 28 U.S.C. 1331 and Bivens, 403 U.S. 388 (1971).

II. CAUSE OF ACTION:

CLAIM ONE : VIOLATION ~~XXX~~ OF THE EIGHTH AMENDMENT  
CLAIM TWO : VIOLATION OF THE FIRST AMENDMENT

III. STATEMENT OF FACTS:

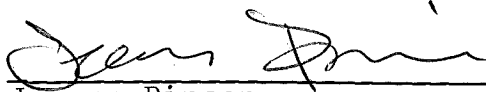
1. Plaintiff was sentenced to 240 months in federal prison by Judge David Russell (W.D.OK.) on April 2, 2007 and entered the BOP in May 2007.
2. While confined to the Special Housing Unit at the Beaumont U.S. Penitentiary the plaintiff, a male to female transgender, asked defendants Jansen, Garcia as shift lieutenants with authority to make housing decisions to house plaintiff alone. They refused citing overcrowding.
3. Plaintiff reiterated the request several times to defendants Fox who supervised the SHU and Jansen and Garcia as well as Williams and West who generally selected who would be celled with who to be housed alone, or with someone who would not possible harm the plaintiff ~~xxx~~ for ~~xxx~~ being transgender.
4. USP Beaumont was an extremely violent prison with daily stabbing of inmates and frequent homicides. It was known throughout the prison system as "bloody beaumont" and staff generally allowed inmates to run the prison because they sought to avoid violence being directed at them.
5. While being housed in a recreation cage alone the plaintiff was seen by inmate Gerald Wayne Timms who loudly stated "Damn I wanna fuck this one" and asked Lieutenant Jansen to assign him to the plaintiff's cell. The plaintiff later told Jansen, as well as West, Fox, Williams and Garcia she was afraid of Timms.
6. Timms has a violent history of sexual predation and has been convicted in court of it several times. Staff knew that Timms was a sexual predator because they are required to review inmate files during weekly SHU reviews. Thus the defendasnts each knew of Timms' sexually predacious history.

7. Although the date is not known, at some point Officers West and Williams arrived with Timms to plaintiffs cell and ordered the plaintiff to submit to hand restraints to accept Timms as a cell cohabitant. Plaintiff objected and was threatened with discipline if Timms was not accepted.
8. Later that day plaintiff took a shower while dinner trays were served and upon exiting the shower the plaintiff ate dinner but notice Timms kept spontaneously laughing.
9. Within 30 minutes of eating dinner the plaintiff felt deeply sedated and had trouble standing up. The plaintiff lay upon her bed and went to sleep. At some point later in the night the plaintiff awoke in darkness with Timms thrusting his erect penis into her anal cavity while holding a hand to the plaintiff shoulder to press down her body and her face into the pillow.
10. The plaintiffs rectum was torn by the incident and the plaintiff suffers from nightmares, flashbacks, anxiety attacks ever since the incident and has had extreme difficulty living with other inmates.
11. After the incident the plaintiff attempted to file a BP-8 but was falsely informed by FOX that the incident couldnt be raised in the administrative remedy program because it was subject to criminal prosecution and advised plaintiff to wait on the FBI investigation before filing.
12. After an extended period of time, the plaintiff learned the matter was never referred to the FBI and initiated her BP-9 at the regional level pursuant to the PREA regulation on reporting a sexual assault. Plaintiff then exhausted her remedies following a PREA investigation.
13. The plaintiff, as a transgender, constantly faces sexual threat and proposals from other inmates and the BOP has done nothing to implement policies or practices to protect transgender inmates.

IV. REQUESTED RELIEF:

1. Compensatory Damages \$150,000
2. Punitive Damages \$250,000
3. Injunction compelling BOP to house plaintiff in a low or medium or state facility for her protection as a transgender and to promulgate policies concerning the housing and protection of all transgender inmates.

EXECUTED UNDER PENALTY OF PERJURY 28 USC 1746.

  
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Jeremy Pinson  
PO Box 7000  
Florence CO 81226